

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Lyle ARMSTRONG et al.,

Application No.: 09/530,588

Filed: May 25, 2000

For: METHOD AND AGENT FOR DETERMINING AN ENZYMATIC ACTIVITY
SUCH AS DEAMINASE

ATTN: PCT Branch

Docket No.: 106141

TECHNICAL STAFF, 2000

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371 IN THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
DECLARATION ALREADY FILED

Director of the U.S. Patent and Trademark Office
Washington, D.C. 20231

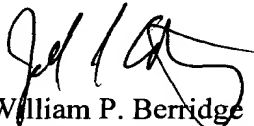
Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (copy attached) mailed on June 22, 2000, the executed Declaration of the inventor(s) was filed on May 25, 2000. A copy of the executed Declaration as filed, a copy of the Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371, and a copy of the stamped postcard receipt are attached hereto. The surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)) was also paid on May 25, 2000, with our Check No. 108826 for \$130.00.

Entry of these documents on May 25, 2000, should have completed all of the filing formalities. Accordingly, prompt issuance of a Notification of Acceptance and a corrected Filing Receipt, and prompt examination and allowance of this application are respectfully solicited.

The Director is hereby authorized to charge any additional fee (or credit any overpayment) associated with this communication to Deposit Account No. 15-0461. Two duplicate copies of this paper are attached.

Respectfully submitted,


William P. Berridge
Registration No. 30,024

WPB:JSA/jca

Joel S. Armstrong
Registration No. 36,430

Date: July 20, 2000

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
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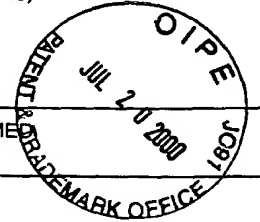
**TRANSMITTAL LETTER TO THE
UNITED STATES
DESIGNATED/ELECTED OFFICE
(DO/EO/US) CONCERNING A FILING
UNDER 35 U.S.C. 371**

U.S. APPLICATION NO.
(if known, sec 37 C.F.R.1.5)
09/530,518

INTERNATIONAL APPLICATION NO.
PCT/FR98/02380

INTERNATIONAL FILING DATE
November 6, 1998

PRIORITY DATE CLAIMED
November 6, 1997



TITLE OF INVENTION
AN ENZYMATIC ACTIVITY SUCH AS DESAMINASE

APPLICANT(S) FOR DO/EO/US
Lyle ARMSTRONG et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A small entity statement.
16. ☐ Other items or information:

U.S. APPLICATION NO. (if known, see 37 CFR 1.53)
C.F.R. 1.5) 09/530,518

INTERNATIONAL APPLICATION NO.
PCT/FR98/02380

ATTORNEY'S DOCKET NUMBER
106141

17. ☒ The following fees are submitted:

Basic National f (37 CFR 1.492(a)(1)-(5)):

Search Report has been prepared by the EPO or JPO.....\$840.00

International preliminary examination fee paid to USPTO
(37 CFR 1.482).....\$670.00

No international preliminary examination fee paid to USPTO
(37 CFR 1.482) but international search fee paid to USPTO
(37 CFR 1.445(a)(2)).....\$690.00

Neither international preliminary examination fee (37 CFR
1.482) nor international search fee (37 CFR 1.445(a)(2))
paid to USPTO.....\$970.00

International preliminary examination fee paid to USPTO
(37 CFR 1.482) and all claims satisfied provisions of PCT
Article 33(2)-(4).....\$ 96.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

\$

Surcharge of \$130.00 for furnishing the oath or declaration later than
☒ 20 ☐ 30 months from the earliest claimed priority date (37 CFR
1.492(e)).

\$130.00

Claims	Number Filed	Number Extra	Rate		
Total Claims	- 20 =		X \$ 18.00	\$	
Independent Claims	- 3 =		X \$ 78.00	\$	
Multiple dependent claim(s)(if applicable)			+ \$260.00	\$	
TOTAL OF ABOVE CALCULATIONS =				\$130.00	
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).				\$	
SUBTOTAL =				\$130.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 month from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
TOTAL NATIONAL FEE =				\$130.00	
				Amount to be refunded	\$
				Charged	\$

- a. ☒ Check No. 108826 in the amount of \$130.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 15-0461. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320

NAME: William P. Berridge
REGISTRATION NUMBER: 30,024

NAME: Thomas J. Pardini
REGISTRATION NUMBER: 30,411

PATENT RECEIPT FOR FILING OF PAPERS

The following papers have been filed:

PCT Transmittal, #108826, (\$130), exec. Declaration; Assignment Transmittal, #108825, (\$40), exec. Assignment.

Name of Applicant: Lyle ARMSTRONG et al.

Serial No.: 09/530,518

Atty. File No.: 106141

Title (New Cases): METHOD AND AGENT FOR DETERMINING AN ENZYMATIC ACTIVITY SUCH AS DESAMINASE

Sender's Initials: WPB:TJP/kmc

11/10



PATENT OFFICE DATE STAMP

**COPY TO BE STAMPED BY PATENT OFFICE
AND RETURNED BY MESSENGER**

22

09/530512



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

09/530,518

ARMSTRONG

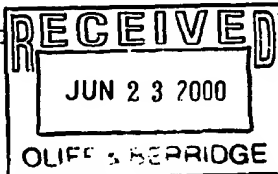
FIRST NAMED APPLICANT

ATTY. DOCKET NO.

OLIFF & BERRIDGE
P O BOX 19928
ALEXANDRIA VA 22320

5071

INTERNATIONAL APPLICATION NO. 02380

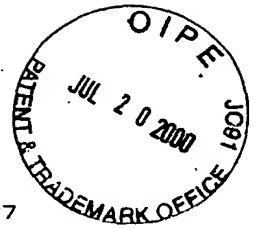


LA. FILING DATE 06/98 PRIORITY DATE 06/97

06/22/00

JULY 22, 2000
MISSING PARTS

DATE MAILED:



NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
☒ an Elected Office (37 CFR 1.495):

- ☒ U.S. Basic National Fee.
☒ Copy of the international application in:
☐ a non-English language.
☐ English.

- ☒ Translation of the international application into English.
☐ Oath or Declaration of inventors(s) for DO/EO/US.
☐ Copy of Article 19 amendments.
☐ Translation of Article 19 amendments into English.
☒ The International Preliminary Examination Report in English and its Annexes, if any.
☒ Translation of Annexes to the International Preliminary Examination Report into English.
☒ Preliminary amendment(s) filed 02 MAY 2000 and _____
☒ Information Disclosure Statement(s) filed 02 MAY 2000 and _____
☐ Assignment document.
☐ Power of Attorney and/or Change of Address.
☐ Substitute specification filed _____
☐ Statement Claiming Small Entity Status.
☐ Priority Document.
☒ Copy of the International Search Report ☒ and copies of the references cited therein
☐ Other:

DOCKETEDBy JB on 6/23 2000

and

By CRP on 6/26 2000
Oliff & Berridge

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice *MUST* be returned with this response.

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation
☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Telephone: (703) 305-3661